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Paper No. 7

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OFFICE OF PETITIONS

In re Application of	:
Rizzoni et al.	: DECISION REFUSING
Application No. 10/039,634	: STATUS UNDER
Filed: November 9, 2001	: 37 CFR 1.47(a)
Attorney Docket No. OSU1159-143C	:
For: MODEL-BASED FAULT DETECTION	:
AND ISOLATION SYSTEM AND	:
METHOD	:

This is a decision on the petition under 37 CFR 1.47(a), filed July 22, 2002.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

Petitioner states that petitioner has been unable to obtain the signature of Giorgio Rizzoni because Mr. Rizzoni is currently out of the country but will probably return by July 29, 2002. Petitioner states that, "It is applicants' belief and expectation that a signed Declaration can be obtained shortly after Mr. Rizzoni's return. MPEP 409.03(d) states,

Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 CFR 1.47.

Petitioner should either obtain a declaration with Mr. Rizzoni's signature or provide a showing in compliance with 37 CFR 1.47(a) within two months of the mail date of this decision (this time period is extendable).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
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Attn: Office of Petitions

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